

Translated from Arabic

Information concerning the scope and application of the principle of universal jurisdiction in Bahrain

The principle of universal jurisdiction stipulates that criminal courts in a given country may prosecute individuals who committed crimes in another country in order to ensure that they are not beyond the reach of justice and cannot escape accountability and punishment for those crimes. We have the honour to provide the following information concerning the applicability of the principle in the legislation of Bahrain:

- The fundamental principle underlying the criminal law of Bahrain consists of the territorial application of the Criminal Code: the latter applies to all crimes committed in Bahrain, regardless of the perpetrator's nationality or status, but does not extend to crimes committed outside the national territory, even if the perpetrators are Bahraini citizens. As an exception to that principle, however, the Bahraini Criminal Code recognizes the principle of universal jurisdiction in the sense that the Bahraini Criminal Code can extend to crimes committed abroad.
 - The exception is set forth in article 9 of the Criminal Code, which provides as follows: "The provisions of the present Act shall apply to any foreigner in the State of Bahrain who perpetrated a crime while abroad (...) under the present Act and for whom an extradition request has not been accepted". By virtue of that provision, when Bahrain detains the perpetrator on its territory, it may prosecute that person under its own law, regardless of where the crime was committed and the nationality of the perpetrator, provided that it has received and rejected an extradition request.
 - We now turn to international agreements that are applied in that connection. As an independent sovereign State, Bahrain, along with other States, contributes to the formation of rules of international law and commits itself before the international community to implement those rules. Accordingly, it is committed to applying the international norms that were formed by the international community and have become peremptory in nature, even if there is no written record of its having participated in the formation of those norms and if it did not participate in their formulation.
 - Bahrain is therefore committed to the international provisions that enshrine the principle of universality once it has ratified those provisions and they have become part of its internal law.
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